

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Barney Ray Black,	)	
	)	No. 2:09-cv-2594-DCN
Petitioner,	)	
	)	
vs.	)	
	)	
	)	
Jeff Crosby, Deputy Sheriff;	)	<b>ORDER</b>
Isaac McDuffie Stone, III, Solicitor	)	
of Jasper County, South Carolina,	)	
	)	
Respondents.	)	
	)	

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This matter is before the court on remand from the United States Court of Appeals for the Fourth Circuit for entry of an order granting or denying a certificate of appealability. Rule 11(a) of the Rules Governing Section 2254 Cases provides that the district court “must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” A certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). An applicant satisfies this standard by establishing that reasonable jurists would find that the district court’s assessment of the constitutional claims is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001).

Here, petitioner does not meet this standard because there is nothing debatable about the court’s resolution of his habeas petition. Accordingly, the court **DENIES** a

certificate of appealability.

**AND IT IS SO ORDERED.**



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**DAVID C. NORTON**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**Charleston, South Carolina**  
**March 23, 2010**